

FILED

NOV 2 2009

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

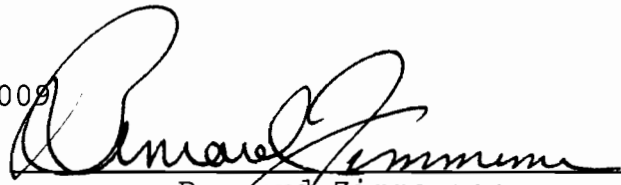
JAMES TROY WALKER,)
)
Plaintiff(s),)
)
v.)
)
PACIFIC MARITIME ASSOC., et)
al.,)
)
Defendant(s).)

No. C07-3100 BZ

**ORDER DENYING PLAINTIFF'S
REQUEST FOR REFUND OF
APPELLATE FEE**

Plaintiff James Walker requested that this court refund him \$455 in appellate calendaring and docketing fees. It is unclear whether or not plaintiff is dismissing his appeal at this point. Regardless, there is no authority that would allow a refund of appellate fees under these circumstances. See Porter v. Dept. of the Treasury, 564 F.3d 176, 179 (3d Cir. 2009) (holding that appellants are not entitled to return of their filing and docketing fees). Plaintiff's request is therefore **DENIED**.

Dated: November 2, 2009


Bernard Zimmerman
United States Magistrate Judge

G:\BZALL\ARCHIVE\BZCASES.5\Walker v. Pac. Maritime\ORDER DENYING PLAINTIFF'S
REQUEST FOR REFUND OF APPELLATE FEE.wpd